



STATE OF NEW YORK
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January 12, 2023

Hon. Therese Wiley Dancks (*via CM/ECF filing*)
Federal Building and U.S. Courthouse
P.O. Box 7346
Syracuse, NY 13261-7346

Re: *Young America's Foundation et al v. Stenger et al*
Northern District of New York – 20-cv-822 (LEK/TWD)

Dear Judge Dancks:

This office represents Defendants John Pelletier, Brian Rose and Harvey Stenger (“State Defendants”). This letter is a report as to the status of discovery, per the Court’s Text Order at Dkt. 202.

On January 10, 2023, State Defendants deposed Plaintiff College Republicans (“CR”) former President John Restuccia. During the course of that deposition, Mr. Restuccia testified as to the identity of seven CR members who were witnesses to the Tabling Event and Laffer Events, and we have inquired as to their availability for depositions with Plaintiffs’ counsel by e-mail earlier today.

To date, we have confirmed the depositions of the following party representatives and other witnesses, as follows:

Jan 19 – Raj Kannappan (representative of Plaintiff Young America’s Foundation (“YAF”));

Jan 26 – 27 – Defendant Student Association representatives Dan Croce, Matthew Johnson and Dan Robababo (this date has been proposed and I have not seen confirmation as yet);

Feb 9 – Plaintiff’s expert Anthony J. Raganella;

Feb 13 – Plaintiff CR’s Lacey Kestecher;

Feb 14 – non-party witness Dr. Arthur Laffer;

Feb 17 – Binghamton University employees Ryan Yarosh and Timothy Faughnan;

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Feb 22 – Defendant Brian Rose; and

Feb 24 – Defendant Harvey Stenger.

Plaintiff's attorney has indicated that availability of Plaintiff CR's current president will be communicated in the near future. We have not received available dates for Plaintiff Jon Lizak as yet, despite numerous requests.

To date, State Defendants have not received responses to interrogatories to Plaintiffs YAF, CR and Lizak which were served on December 6, 2022. We have requested these outstanding responses a reasonable time in advance of the next Plaintiff deposition date (Jan. 19).

State Defendants reiterate the request that the discovery deadline be extended until the end of March. We are making a good-faith effort to schedule all depositions within the current discovery deadlines, but it appears that at least 7-8 more CR depositions will be necessary (including Plaintiff Lizak), and it also appears that scheduling same will be difficult to do before February 28 based on the present number of conflict in attorney schedules we have experienced in getting the above-described depositions set.

In addition, State Defendants request that a dispositive motion deadline be set at least two months out from the close of discovery. One month is simply not enough time to review and index what will be numerous deposition transcripts as is set forth above. In addition, currently, Amanda Kuryluk, one of the State Defendants' attorneys herein, is scheduled for trial before Judge Hurd on March 13, which will impede availability for depositions and/or motion practice further.

In the alternative, a judicial conference is requested to discuss the above.

Thank you for your kind consideration.

Very truly yours,

s/ *John F. Moore*

John F. Moore

Assistant Attorney General

Bar Roll No. 105188

cc (via ECF): All Counsel